

REMARKS

This Amendment is filed in response to the non-final Office Action of November 4, 2009 in which claims 1-52 were rejected.

Amendment

In claim 1 (and claims 16, 47 and 48) it is now clearly stated that the new parameter references corresponding to the changed capabilities are for the configuration of the terminal. This is disclosed e.g. on page 27, lines 1—5 of the original application:

The device management server 3 determines 504 from the database 4 the parameter preferences suitable for the wireless terminal 1 in question and performs the transmission 505 of these parameter preferences to the wireless terminal 1 for the configuration of the wireless terminal 1. (Emphasis added)

Further, this feature has already been defined in the independent claims 32, 45, 46 and 49.

In some claims (1, 16 and 17) there were extra *for* words which have been removed.

Objection

Claim 45 has been cancelled as it has the same scope of protection with claim 32.

35 USC § 101

Claim 46 has been amended to read “A computer-readable medium to be used ...” The specification has been amended as suggested by the Examiner.

35 USC § 102

The cited reference US 2002/0150228 (*Umeda et al*, hereinafter *Umeda*) relates to a mobile communication system comprising a structure for realizing "network seamless" for roaming between different kinds of networks, "contents seamless" for converting different kinds of encoding or media therebetween, and "device seamless" for making it possible to utilize optimum I/O devices in conformity to surrounding environments. This mobile communication system detects a change in an environment in use concerning an object such as a mobile terminal, for example, notifies at least one apparatus relating to the change of the result of detection, sets various resources constituting a network in conformity to a new environment, and switches them. This makes it possible to construct a seamless network which automatically eliminates seams (restrictions) concerning changes in the environment and the like. (Abstract)

Umeda says:

[0006] For achieving the above-mentioned object, the mobile communication system according to the present invention comprises, at least, **detecting means, reporting means, setting means, and switching means**. The detecting means detects at least a change in an environment in which an object to be inspected exists and a change in a capability of the object to be inspected. The reporting means notifies at one or more apparatuses relating to the change detected by the detecting means of at least a result of the detection. **The setting means newly sets at least one of a network resource and an information format in conformity to the change detected by the detecting means.** Then, the switching means switches the network resources and information format into a content set by the setting means.

The rejected claim 1 of the present application says:

and for a receiver configured to receive new parameter preferences corresponding to the changed capabilities sent from the device management server.

To which the Examiner says that *page 6, par [0054] discloses the receiver receiving new parameter preferences, etc:*

Notification of Change

[0054] When an environmental change or capability change is detected concerning the above-mentioned object to be inspected, its related apparatus or function is notified of the result of detection. Namely, information needed after the change or information concerning the media to be used, a required quality, and the like are reported to necessary apparatus and the like, whereby a network resource required for transmission is secured. For example, a change in the environment where the object to be inspected exists or in the capability thereof is reported from the terminal or the like to the network NW100, or vice versa.

Applicants believe that the term “Device Management Server,” in its true meaning, is really not present in *Umeda*. Reporting occurs but the sending of parameters by the device management center (*Umeda's* 100, 106, 500) back to the device (200 or 250) is not present. “Vice versa” simply doesn’t cut it... “reporting” is not the same as providing new parameter preferences corresponding to changed capabilities for the configuration of the terminal (as amended).

The part below in the present application (US 20070259683) is the key thing and *Umeda* is not exactly focusing on the configuration of the terminal but in converting the stuff for the terminal based on the changes in environment or in device capabilities. In *Umeda* the change in device capabilities means that one device is changed to another kind of device but it does not mean changes in the capabilities of the device itself. This is illustrated e.g. in the fourth example and Fig. 10 of *Umeda* in which *one of parties of the video conference goes outdoor with a mobile phone, the network NW1 is notified of the change in terminal, whereby the communication network is automatically changed from the wireless*

LAN (network NW1) to a mobile communication network (another network NW2), whereas contents are converted from high-definition visual information for the large-size TV set to a high-compression visual information for a mobile terminal. (paragraph [0097])

In other words, one of the parties leaves the room where the conference is held by use of a large-size TV and begins to use his terminal to participate the conference. The capabilities of the TV or the terminal have not changed. In applicants' specification at page 4, lines 12-14 (see corresponding published application (US 2007/0259683) at page 2 in paragraph [0011]) it starts out:

The configuration of the wireless terminals can nowadays be performed, for example, manually, in which case the user of the wireless terminal sets the required parameters.

At page 1, paragraph [0009] at line 10-13, *Umeda's* "controlling means" however is described as:

[0009].... The controlling step controls the object to be inspected concerning at least one of the determined network resource and information format so that the object conforms to the detected change.

Applicants believe that if *Umeda* were actually carrying out provisioning then the below passage from paragraph [0055] on page 6 of *Umeda* should have disclosed some hints of setting up the device based on new capabilities, where settings should have been transmitted to the terminal, by the network element.. but it does not.

Setup of New Environment

[0055] Each apparatus or function thus notified of the change secures a resource and the like, and sets up a communication environment (a wireless channel, transmission means within a network, or the like). For example, when the network NW100 is notified, under the control of the control section 110 in the NW control section 102, the resource managing section 112 reallocates

resources, the line switching section 114 allocates network lines satisfying required transmission quality, the contents managing section 116 investigates media of provided contents and the like, and the information converting section 118 prepares for converting media and so forth.

The following paragraph on page 10 of *Umeda* also reveals that *Umeda* deals with changes concerning environment, not with changes concerning a device itself.

[0104] In the present invention, as mentioned above, if an environmental change concerning any object is detected in any of apparatus of a mobile communication system, e.g., a mobile terminal, an information processing apparatus connected to the terminal, a node within a communication network, a node connected to the network, and the like, at least one apparatus relating to the change is notified of the result of detection, whereby various resources are set up and switched in thus notified apparatus so as to respond to a new environment. This automatically eliminates seams (restrictions) resulting from changes in communication environment and terminal capabilities and the like, whereby a seamless network is constructed with respect to various environmental changes. Namely, the present invention enables "network seamless" for roaming between different kinds of networks, "contents seamless" for converting different kinds of encoding or media there between, and "device seamless" for making it possible to utilize optimum I/O devices in conformity to surrounding environments.

Applicants believe without prejudice that it will be beneficial in terms of clarity only that the claims have now been amended to more clearly state that the device management sends configuration parameters back to the terminal. The basic idea of the terminal sending info of changed capabilities to the server, the server responding with new parameter references corresponding to the changed capabilities for the configuration of the terminal is missing in *Umeda*. In *Umeda* the terminal will determine the settings itself, or already knows how to use the device or is currently using these settings.

The present application says beginning at page 16, line 35 (corresponding to published paragraph [0040]):

The UAProf message structure can also be used to notify of a change in the capabilities of the wireless terminal 1, for example, in a situation where some service or content has been installed in or removed from the wireless terminal. In the wireless terminal 1 it is also possible to detect the possible resetting of the parameter preferences, so re-configuration can be performed in many such situations where the systems according to prior art do not detect a configuration need of the wireless terminal 1. A service provider of the mobile communication network used by the user of the wireless terminal 1 can, for example, change the services in use in the mobile communication network. As a non-restricting example can be mentioned a situation, where the normal Circuit Switched Data service (CSD) is replaced by, or in addition to it there exists the possibility to use a High Speed Circuit Switched Data connection (HSCSD). This new service can be installed in the wireless terminal 1 for example by changing the capabilities of the user module 17. Thus, in the wireless terminal 1 it is possible to detect a new service and/or a change in the service preferences/capabilities and to transmit information about this to the device management server 3. On the basis of this information, the device management server 3 can perform the configuration of the wireless terminal 1 to correspond to the situation according to a new service/service preference (underlining supplied).

Withdrawal of the novelty rejection of claim 1 is requested. As to the § 102 rejections of the other claims in section 6 the applicant respectfully disagrees for the same reasons and withdrawal thereof is requested.

The applicant believes that the § 103 rejections in section 8, 9 and 10 should also be withdrawn for at least the same reasons as presented above.

The objections and rejections of the Office Action of November 4, 2009, having been obviated by amendment or shown to be inapplicable,

withdrawal thereof is requested and passage of claims 1-52, as amended,
to issue is earnestly solicited.

Respectfully Submitted,


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